

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

MICHAEL ALLEN VANPELT,	)	
	)	
Plaintiff,	)	Civil Action No. 7:21cv00139
	)	
v.	)	<b><u>MEMORANDUM OPINION</u></b>
	)	
MARTY STANLEY, <i>et al.</i> ,	)	By: Hon. Thomas T. Cullen
	)	United States District Judge
Defendants.	)	

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Plaintiff Michael Allen VanPelt, proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. By conditional filing orders entered March 5 and April 6, 2021, the court advised VanPelt that he must notify the court in writing immediately upon his transfer or release and must provide the court with his new address. (*See* ECF Nos. 4 & 8.) On February 22, 2022, the court referred this matter for an evidentiary hearing.<sup>1</sup> (*See* ECF No. 38.) On March 2, 2022, after noting that defense counsel had advised the court that VanPelt had been released from custody, the court directed VanPelt to provide the court with an updated address within 14 days. (*See* ECF No. 41.) The time to respond has passed and VanPelt has not provided the court with an updated address. Accordingly, the court will dismiss this action without prejudice for failure to comply with the court's orders. The court notes that this dismissal is without prejudice to VanPelt's opportunity to refile his claim in a separate civil action, subject to the applicable statute of limitations.

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<sup>1</sup> On March 4, 2022, the Memorandum Opinion and Order referring the case for a hearing was returned to the court as undeliverable and with no forwarding address. (*See* ECF No. 42.)

The clerk is directed to forward a copy of this Memorandum Opinion and accompanying Order to VanPelt at his last known address.

**ENTERED** this 22nd day of March, 2022.

/s/ Thomas T. Cullen  
HON. THOMAS T. CULLEN  
UNITED STATES DISTRICT JUDGE